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NEWSLETTER

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Activities from Continuous Training Program (CTP)

Detention as a measure to ensure the presence of the defendant in the procedure

On 06 July 2015, Kosovo Judicial Institute within CTP conducted a training for judges and prosecutors on: “Detention as a measure to ensure the presence of the defendant in the procedure”.

The purpose of this training was to advance professional knowledge of judges and prosecutors toward proper implementation of provisions and legal conditions regarding decisive circumstances, including ECHR standards for application of detention as the most severe measure that can be imposed in order to ensure the presence of the defendant in the procedure.

During this training initially were elaborated the request for detention by the prosecutor based on Article 5 of ECHR and reasons foreseen by this Article, grounded suspicion and its reasoning as the main ground for detention request, reasoning of the request for continuation of this measure and legal terms of detention.

Also during this training were discussed the detention principles, special conditions of detention, decision for issuing detention measure by the judge and the reasoning of the detention.

The training was elaborated through interactive discussion among following by practical cases and challenges faced in this field.

Beneficiaries of this training were judges and prosecutors of basic instances.



Protection of injured parties and witnesses

On 08 July 2015, Kosovo Judicial Institute with- in CTP, conducted a training on: “Protection of



injured parties and witnesses”.

This training aimed to enhance professional capacities of judges and prosecutors on national and international legislation regarding protection of injured parties and witnesses including needs assessment for providing protection to both the respective categories.

During this session were addressed issues related to protection of injured parties and witnesses during criminal proceedings, protection

measures and the legal basis of issuing the order for application of these measures, cases when these measures can be applied. Within this area were also treated the offences for which the protection measure can be required and risk assessment for threatening of witnesses and injured parties from inside and outside.

Also within this training were elaborated the witnesses categories with the special emphasis on random witnesses and anonymous witnesses, cooperative witnesses, the prosecutor’s request for declaring a person as an cooperative witness and beneficiaries that enjoyed by a person as a cooperative witness.

Beneficiaries of this training were judges and prosecutors of basic level.



Protection and promotion of diversity, tolerance and gender equality based on anti-discrimination legislation

On 09-10 July 2015, Kosovo Judicial Institute within CTP and in cooperation with the DISCK Project conducted a training on: “Protection and promotion of diversity, tolerance and gender equality based on anti-discrimination”.

The purpose of this training was to increase the awareness about diversity, tolerance and gender equality, clarification and dismantling of legislation complexity on discrimination and harassment as problematic issues identified in practice, access and equal treatment of LGBT community by the judiciary toward application of their rights.

During the training were also addressed the legal framework covering this field, in particular the Anti-Discrimination Law, Law on Gender Equality and Law on Ombudsperson which gives lots of competencies to the Ombudsperson toward protection against discrimination. Within these topics were also addressed types of discrimination, main concepts and specific grounds of discrimination.

Beneficiaries of this training were judges, prosecutors, victim advocates and officials from State Prosecution Office.



Roundtable: Forensic expertise – Challenges in practical implementation

On July 14th 2015, Kosovo Judicial Institute organized a roundtable on the topic of “Forensic expertise – Challenges in practical implementation of the law”.



Purpose of the roundtable was to serve as an opportunity that will elaborate, note and propose solutions to uncertainties pertaining to forensic expertise.

Initially, the roundtable was provided a presentation by Professor Dr. Sokrat Meksi, forensic expert at the Forensic Institute of Tirana, who briefly elaborated the actual practice in Albania

related to forensic expertise, and issues and challenges that they face.

During this roundtable, participants discussed and presented their dilemmas in this area, emphasizing that there is a need for reliable forensic expertise in the area of discovering and combating the crime. Also, an important fact was emphasized to be the need for communication and additional consultation between prosecutors, forensic experts and other stakeholders in order to serve to the increase of efficiency and mutual professionalism in meeting their legal obligations.

This roundtable was continuation of the roundtable that took place in December of the last year where similar aspects were discussed.

Participants at this roundtable were prosecutors, forensic experts from the Ministry of Justice – Forensic Department.



Proving remedies and obtaining evidence

On July 16th 2015, Kosovo Judicial Institute conducted a training for judges on the topic of “proving remedies and obtaining evidence” with a focus on contested procedure.



Purpose of this training was to help the participants in analyzing and implementing correctly legal provisions related to the time of proposal and presentation of evidence in contested procedure, as well as contribute to noting and avoiding practical problems related to the issue of de-

veloping the proving procedure.

This training discussed about cases when the court is authorized to take evidence that were not proposed by parties, but that it finds that parties tend to possess requests that they are not eligible to have, types of proving remedies in contested procedure, burden of proof in contested procedure, as well as obtaining evidence (preliminary evidence).

In this light, elaboration was provided on the fact that need to be proved and those that don't need to be proven in contested procedure, in which case various examples of court verdicts were given by the trainers, in order to contribute to unification of judicial practice of this area.

Beneficiaries of this training were judges of basic instance court from all regions of Kosovo.



Other activities

Leadership, the Court and Prosecutorial Management and Strategic Planning

During July 6-7th 2015, KJI in cooperation with the EU funded Project “Further support to legal education reform in Kosovo”, conducted a training for management of courts and prosecutions on the topic of “Leadership and Court and Prosecution Management and Strategic Planning”.

Purpose of this training was that participants increase their capacities in relation of application of their core competencies of leadership, to know how to change types of personalities in the context of their strengths, weaknesses and motivations, to assess characteristics of their personalities, as well as to know what is the impact of their strengths and weaknesses in daily practice of leadership.

During these two training days the following was elaborated: leadership competencies, leadership strategies, communication, performance assessment, strategic planning as well as the action

plans.

After each theoretical part, the training was delivered in working groups where participants played roles depending on the topic they previously covered.

Beneficiaries of the training were supervisory judges.



Communication and delegation

On 8-9 July 2015, KJI in cooperation with the founded EU project “Further support to the Legal Education Reform in Kosovo” EULER II, conducted a training for administrators and admin assistants of courts and prosecution offices on: “Communication and Delegation”.

The purpose of this training was for the participants to understand and expend their knowledge on communication and negotiation, to know how to use the performance agreements as an instrument for planning and motivation, as well as to know the limits of self-motivation and external motivation.

In the focus of this two day training were active listening, cooperation agreements, and agreements by using SMART methods, purpose of the agreement, motivation, and good condition of

motivation, motivation factors and evaluation.

After each theoretical part participants were divided in working groups where they had to play roles based on the treated topic.

Beneficiaries of this training were administrators and admin assistants of courts and prosecution



from all instances.

Conference – Presentation of the European Human Rights Data Base of Regional Countries

On 14 July 2015, KJI in cooperation with AIRE Centre organized a conference on European Database on Human Rights”.



This conference focused on promotion of the respective database aiming to extend the application of judicial practice of ECHR into national courts of the entire South East Europe. This conference was about the development of a self-sustainable portal in regional languages regarding Strasburg cases, case summaries, manuals and guidance. This database also provides an easiest and free access in Strasburg jurisprudence for judges, prosecutors, lawyers and broader public on the regional languages.

Concerning the role and the importance of the database, spoke the higher representatives of the judiciary such as: President of the Constitution Court, Special Chief Prosecutor, a Supreme Court Judge and the British Ambassador in Prishtina. All speakers emphasized the fact that this database is an important source for the judiciary and will increase the public awareness on Convention standards, promotion and internal application of ECHR in the region, will help the integration process in EU, will encourage regional cooperation in rule of law and human right area, and especially will contribute in the drafting legislation process.

The Program Manager for AIRE South East Balkan presented information on how to access the database and what the database contains.

Participants in this conference were: Court presidents, Chief Prosecutors, Constriction Judges, judges and prosecutors from all instances, KJI trainers on ECHR and different KJI international partners.



Visit of the European Judicial Training Network (EJTN) General Secretary, Mr. Wojciech POSTLUSKI at the Kosovo Judicial Institute

On July 15th 2015, upon invitation by the KJI Director the EJTN General Secretary Mr. Wojciech POSTLUSKI stayed for a visit at Kosovo Judicial Institute.

Purpose of the meeting was being informed about the KJI's work and possibilities of cooperation with EJTN. In this light, it was discussed about concrete cooperation that may take place between institutions like invitation to participate in training for trainers and enhancement of training methodology, developing training assessment forms, as well as participation in other trainings of professional nature that EJTN organizes.

During this visit, the EJTN General Secretary had meetings also with the President of the Kosovo Supreme Court Mr. Fejzullah Hasani and

the KPC member Mrs. Sevdije Morina with whom it was discussed about developments and challenges of the judicial and prosecutorial system. These meetings emphasized importance of the judicial training for judges and prosecutors as well as benefits that come from the exchange programs between EJTN and Kosovo judiciary.



Internship program for judges and prosecutors

With the support of the EU funded project “Further support to Legal Education Reform in Kosovo” an internship program for judges and prosecutors of the Republic of Kosovo was organized. This program took place during the period of 6-14 July 2015 in several stages and divided in four (4) groups.

In the first week of the program all participants attended a common program combined with meetings and visits in various institutions like courts, Justice Academy in Germany and the European Law Academy, while in the second week participants were divided in two groups, 2 (two) of which continued the internship program for one (1) week, while the other two (2) groups continued with the program for another two (2) weeks.

This internship program aimed at increasing cooperation between institutions of judiciary and prosecutorial system of the Republic of Germany and the Republic of Kosovo, acquaint experiences from German judicial system in building capacities of judiciary, the court’s and prosecution work, the judicial system, application of judicial procedures from judges and prosecutors as well as increase of cooperation between judicial training institutions of two countries with the purpose of enhancing the judges’ and prosecutors’ practi-

cal skills.

During the first week when the participants were in one joint group the training program focused on the following: judiciary in Germany – structures and responsibilities, including the principles of a modern state relying on the rule of law, principles of procedural justice (civil, criminal and administrative), independence of the judiciary, procedure of the judges and prosecutors appointments, legal education and continuous training for judges and prosecutors, administering justice, legal professions (lawyers and notaries), the justice portal of courts – information services and other online services, IT in courts, electronic files and electronic access to justice, cooperation with the media and many other issues that relate to the judicial system in Germany.

This program covered visit to the German Justice Academy (DRA). The delegation was welcomed by the Director for the Academy Mr. Stefan Tratz, who after presenting the structure, functions and work of the Academy, presented the education system for judges, the process of training needs assessment, the system of selection of trainers and participants, structure of the program that emphasized importance that the Academy pays to cross-disciplinary trainings, to



that is delivered for judges and other judicial professionals in Germany.

The program continues with a visit to the European Justice Academy (ERA) where the participants had the opportunity to practically acquaint with development and delivery of a train through the e-learning system. This training was particularly important for the fact that participants could see closely how a distance learning training is implemented using the information technology.

This on the second week, the group divided in four sub-groups who conducted their program in judicial institutions in Bonn, Köln, Heilbronn, Stuttgart, Nuremberg and in München.

Judges and prosecutors had the chance to participate in judicial hearings taking place in the first and second instance, in the criminal procedure, civil and other special procedures that were implemented by courts where the internship was taking place.

Participants in this visit were judges and prosecutors of all instances starting from the Supreme Court, the Appeals Court and Prosecution and Basic Courts and Prosecution. Part of the delegation was a representative from the EU “Further Support to Legal Education Reform in Kosovo” project, and a KJI representative.



Training of Trainers “Advanced Development of Training of Trainers Program”

On 21-22 July 2015, Kosovo Judicial Institute in cooperation with UNICEF conducted a Training of Trainers on: “Development of the advanced skills”

The purpose of the training was the advancement of strategies and teaching skills of juvenile justice trainers, and KJI staff.

This training will facilitate the participants in designing training programs and draft properly the development of advanced skills training program that will be organized for judges and prosecutors in KJI. During this training were explained strategies and teaching methods based on experience used commonly by judicial system of the most developed countries

After each theoretical part they were practically demonstrated multiple teaching methods including simulations, acting, group discussions, case studies, presentations and different kinds of work in groups and Socratic dialogue with all its nuances.

As part of the weight and importance of the future work of the trainers were also the explanation and illustration of advanced contemporary discussion, development of critical thinking tools, and the art of making questions and discussion skills, as well as active listening.

Beneficiaries of this training were trainers of justice for juveniles from civil and criminal field and KJI staff.



Cooperation Agreement between KJI and the GIZ signed Advisory Services on Legal and Administrative Reform Project

On 29 July 2015, the KJI has signed a two-year cooperation agreement with the GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) with the aim of structuring and determining clearly the objectives of enhancing KJI professional capacities and programs.



The cooperation will focus on the creation of legal tools aimed at developing the judiciary in the country and provision of all commentaries, summary of laws and other legal tools that the GIZ has developed so far in KJI's e-library; implementation of exchange programs; implementation of trainings for judges and prosecutors and support for the staff of courts and prosecutors' offices; assistance in the provision of KJI train-

ings to the judicial non-majority community; advancement of training technology and development of KJI programs.

In his speech, the KJI Director, Mr. Lavdim Krasniqi, praised GIZ's continued support for the judiciary in Kosovo, especially in enhancing KJI's training programs and various publications and professional development of KJI staff.

Mr. Malte Kirchner, Project Manager, underscored the importance of commentaries and other legal tools for the judiciary and their role in making the job of judges and prosecutors in the country easier. In this regard, Mr. Kirchner maintained that the KJI is the most appropriate place to be in possession of such legal tools, as it has the required infrastructure to provide them to the judicial community in the country.

They both averred that the signed agreement would help shape cooperation further and that more results would be achieved in accomplishing the mission of building judges and prosecutors' professional capacities in the country.



Internship Program in Netherlands

With the support of the EU funded Project on “Further support to legal education reform in Kosovo” an internship program was organized for prosecutors of the Republic of Kosovo, officials of the Kosovo Judicial Council Secretariat and the Kosovo Prosecutorial Council. The Program took place during 19-31 July 2015 in Netherlands.



In this almost two-week internship program, organized by the Kosovo Judicial Institute and the Judicial Training Institute of Netherlands (SSR) the delegation from Kosovo was hosted in many justice institutions of Netherlands.

This internship program aimed to increase cooperation between institutions of judiciary and



prosecution of Netherlands and of the Republic of Kosovo, obtaining experiences from the Netherlands justice system in increasing its capacities, work of courts and prosecutions, judicial system, implementation of judicial procedures from judges and prosecutors, as well as acquainting with the form of organizing the work in courts and prosecutions, placing this in the con-

text of the reform and decentralization of administration that is taking place by the KJC in Kosovo.

During the first week participants were in one common group a training program was conducted focusing on topics like: regulation of the justice system in Netherlands by the Netherlands Council for Judiciary – competencies and relation with courts and prosecution services; continuous and the initial training in Netherlands – two-day presentation by the Training and Study Centre for the Judiciary (SSR) in Utrecht of Netherlands;

The delegation during the first week conducted a visiting program also in the International Criminal Court (ICC) in the Hague, in the Hague Tribunal for Former Yugoslavia (ICTY) and EUROPOL.

While in the second week the delegation was divided in two subgroups who conducted the program in the following institutions: District Court in Breda, Prosecution Service in the Hague, Public Prosecution Service in Zwolle and Hague, and at the end the internship concluded with a visit hosted by the Ambassador of the Republic of Kosovo in the Hague Mrs. Vjosa Dobruna.

Participants in this internship program were prosecutors of the Republic of Kosovo, officials of the Kosovo Judicial Council Secretariat and the Kosovo Prosecutorial Council, as well as representatives of KJI and the EU project “Further support to legal education reform in Kosovo”.





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